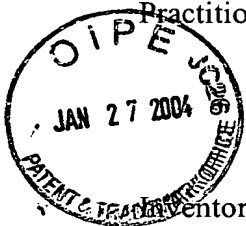


Image

RCE/1712#



Practitioner's Docket No.: 2814/1-44

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Klaus List et al. Confirmation No.: 2848  
Applic. No. : 10/045,835 Group No. : 1712  
Filed : January 11, 2002 Examiner : Daniel S. Metzmaier  
For : Method and Device for Generating an Aerosol

MAIL STOP RCE  
Commissioner for Patents  
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)

**CERTIFICATION UNDER 37 C.F.R.1.8(a) and 1.10**

*(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING/TRANSMISSION**

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- ☒ 37 C.F.R.1.8(a) - with sufficient postage as first class mail.
- ☐ 37 C.F.R. 1.10 - as "Express Mail Post Office to Addressee"  
Mailing Label No. EL US
- ☐ 37 C.F.R.1.8(a) - transmitted by facsimile to the Patent and Trademark Office.

Signature of Practitioner

Date: January 23, 2004

01/29/2004 CNGUYEN 00000040 10045835

01 FC:2001  
02 FC:2251

385.00 OP  
55.00 OP

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above-identified application.

**TIME REQUEST IS BEING MADE**

2. This request is being submitted:
- i. ☒ Prior to abandonment of the application
  - ii. ☐ Payment of the issue fee
    - ☐ Prior to payment of the issue fee
    - ☐ Issue fee has been paid but a petition under § 1.313 has been granted
  - iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
    - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
  - iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145; or
    - ☐ Commencement of a civil action under 35 U.S.C. 146
    - ☐ Prior to the filing of such appeal or commencement of civil action
    - ☐ Such appeal or commencement of civil action has been terminated

**SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114**

3. a) Previously submitted
- ☒ Consider the amendment under 37 C.F.R. 1.116 previously filed on December 22, 2003.  
(Any unentered amendments referred to above will be entered)
  - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously submitted on
  - ☐ Other
- b) Enclosed herewith is/are:
- ☐ An information disclosure (37 C.F.R. §1.98)
  - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
  - ☐ An amendment
  - ☐ New arguments
  - ☐ New evidence in support of patentability
  - ☐ Other:

### FEE FOR REQUEST (37 C.F.R. § 1.17(e))

4. This application is on behalf of:  
☒ Small entity (and status is still as small entity) \$385.00

Continued Prosecution Request Fee \$385.00

### FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col.2)	(Col.3)	Small Entity			Large Entity	
	Claims remaining after amendment		Highest No. previously paid for	Present Extra	Rate	Add.Fee	Or	Rate	Add.Fee
Total	57	Minus	61		x\$9=	\$		x\$18=	\$
Indep.	2	Minus			x\$42=	\$		x\$84=	\$
First Presentation of Multiple Dependent Claims					+\$140=	\$		+\$280=	
					Total Addit.Fee		Or	Total Addit.Fee	

- (c) ☒ No additional fee is required.

### EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

	Extension	Large Entity	Small Entity
<input checked="" type="checkbox"/>	one month	\$ 110.00	\$ 55.00
		Fee:	\$ 55.00

### TOTAL FEES DUE

7. The total fees due are:
- |                                     |   |          |
|-------------------------------------|---|----------|
| <input checked="" type="checkbox"/> | Continued Prosecution Fee (§ 1.17(e))             | \$385.00 |
| <input checked="" type="checkbox"/> | Extension of time fee (if any) (§ 1.17(a)(1)-(4)) | \$ 55.00 |
|                                     | Total Fee Due                                     | \$440.00 |

### PAYMENT OF FEES DUE

8. Please pay the fees for this continued examination application as follows:
- ☒ Charge Credit Card the sum of \$440.00  
(Credit Card Payment Form (PTO-2038) attached)

Please charge any required additional fees for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to

- ☒ Account No. 12-1099 of Lerner and Greenberg, P.A.

### INVENTORSHIP

9. This application as amended names as inventors:
- ☒ the same inventors as previously designated for the claims.

### 10. Instructions as to Overpayment

☒ Credit Deposit Account No. 12-1099.

☐ Refund



SIGNATURE OF PRACTITIONER

WERNER H. STEMER  
REG. NO. 34,956

Date: January 23, 2004

Tel. No.: (954) 925-1100  
Fax No.: (954) 925-1101

/bb

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